



Planning Board

March 16, 2021
7:30 PM
Virtual (Zoom)

Planning Board members present: Derrick Chin (Chair), Ray Yacouby (Vice-Chair), Jon Cappetta (Clerk), Nathan Cookson, and Sam Bajwa

Absent: None

Also present: Kristen Guichard, Planning Director and Robert Hummel, Assistant Town Planner

Opening

Chair Derrick Chin called the meeting to order at 7:34 pm.

Mr. Cappetta called the roll: Derrick Chin - Aye, Ray Yacouby - Aye, Sam Bajwa – Aye, Jon Cappetta – Aye, and Nathan Cookson – Aye, unanimous (5-0).

Mr. Chin read the guidelines for virtual meeting.

I. New/Special Business

1.1 Confirm Mr. Cappetta’s “Mullin Rule” certification (50 Independence Road Special Permit)

Mr. Cappetta was not present at the 02-16-21 - 50 Independence Road public hearing. The Planning Board reviewed Mr. Cappetta’s Mullin Rule certification.

1.2 PB 21-1 - Public Hearing: Ground-Mounted Solar Photovoltaic Installation Special Permit –50 Independence Road

At 7:45 pm, Mr. Chin reopened the public hearing.

Mr. Beals and Mr. Kopperl explained that planning division staff provided them the opportunity to provide comments on the draft decision as directed by the Board. The draft decision being reviewed tonight reflects their comments. Mr. Hummel stated that he shared the draft with the Acton Water District and they provided minor comments. Mr. Beals mentioned that they had conversations with the Fire Chief in regards of the existing fire hydrant. Mr. Rosen, Acton Water District Commissioner agreed that the Acton Water District was able to review the decision and they were satisfied with the included decision conditions.

Mr. Rosen asked the applicant if the existing fire hydrant was connected to public water because he didn’t believe that the Acton Water District water lines went down Independence Road. The applicant stated that he will follow up with the Acton Water District in the next few days. One audience member asked the board to include a decision condition that reflected native seeds plant species. Mr. Hummel mentioned that he will add a condition in the draft decision that addresses that request.

At 8:31 pm, after a back and forth discussion with the applicant’s representative and hearing from the public and staff, Mr. Yacouby moved to continue the Ground-Mounted Solar Photovoltaic Installation Special Permit at 50 Independence Road to April 13 at 7:45 pm via Zoom. Mr. Bajwa 2nd the motion. Mr.



Cappetta called roll. Derrick Chin - Aye, Ray Yacouby - Aye, Sam Bajwa – Aye, Jon Cappetta – Aye and Nathan Cookson – Aye, unanimous (5-0).

1.3 5 Fletcher Court Discussion

Mr. Cookson recused himself from the public meeting, as he is an abutter to the property. Mr. Gallagher and Mr. Kirchner presented a potential subdivision plan for 5 Fletcher Court that showed a proof plan for a proposed 10 lot subdivision. They also discussed a plan that showed two 5 lots residential compound subdivisions. Mr. Gallagher explained that there is past precedent in approving two resident compounds through one subdivision application. The board members were in agreement that they preferred the two residential compound plan. Mr. Cookson returned to the public meeting after the discussion was completed.

1.4 Confirm Mr. Cappetta’s “Mullin Rule” certification (22 Elm Street Special Permit)

Mr. Cappetta was not present at the 01-19-21 - 22 Elm Street public hearing. The Planning Board reviewed Mr. Cappetta’s Mullin Rule certification.

1.5 PB 20-07 - Continued Public Hearing - Planned Conservation Residential Community (PCRC) Special Permit - 22 Elm Street

At 8:55 pm, Mr. Chin reopened the public hearing.

Mr. Donohoe from Dillis & Roy and Mr. Bobrowski from Blatman, Bobrowski & Haverty presented updates from the last public hearing on the application. Those updates include a discussion of their meeting with the neighborhood on January 28, 2021 and the open space in the common land.

The Board members had questions for the applicant’s engineer about what changes they made to the subdivision plans to reflect the public meeting feedback with the neighbors? Mr. Donohoe mentioned that they made modifications to the landscape plan.

Planning staff noted that if the calculation is carried out to the fourth decimal place, the open space calculation in the common land is short by about 159 square feet. Mr. Donohoe noted that GCG, the Town’s third party review engineer did not find an issue with the wetlands calculations and that although the Bylaw does not require the calculation be carried to the fourth decimal, he would make that change to the subdivision plans and add an additional 159sq of uplands to the common land.

Public comments included: that the current density on the lot isn’t compatible to the neighborhood, questions regarding the PCRC wetland calculation, and that all abutter’s concerns should be met.

At 9:45 pm, after a back and forth discussion with the applicant’s representative and hearing from the public and staff, Mr. Yacouby moved to continue the 22 Elm Street Special Permit to April 13 at 8:30PM via Zoom and for the Planning Division to write a draft decision with conditions for consideration at the continued hearing. Mr. Cookson 2nd the motion. Mr. Cappetta called roll. Derrick Chin - Aye, Ray Yacouby - Aye, Sam Bajwa – Aye, Nathan Cookson – Abstained, and Jon Cappetta – Aye. (4-0-1).

1.6 Vote to update application form in Rules and Regulations for Special Permits

Mr. Hummel explained that the town is looking to make updates to all Rules and Regulations for special permits to alert applicants of the State and Town requirements for removal of public shade trees by adding a question on the Application form. Mr. Hummel presented amendment to the following rules and



regulations; Miscellaneous Special Permit, Planned Conservation Residential Community Special Permit, and Reconstruction of Nonconforming Two-Family & Multi-Family Dwelling Special Permit.

Mr. Yacouby moved to approve the three special permit rules and regulations as shown amended at the meeting. Mr. Cappetta 2nd the motion. Mr. Cappetta called roll. Derrick Chin - Aye, Ray Yacouby - Aye, Sam Bajwa – Aye, Nathan Cookson – Aye, and Jon Cappetta – Aye, unanimous (5-0).

1.7 Spring Town Meeting Update

Mr. Hummel reported that at this time, the items planned to be advertised at the public hearing are Drive-Up Window and Subdivision Rules and Regulations amendments. Mr. Hummel stated that the zoning public hearing will be held on April 13th.

II. Regular Business

Citizen Concerns

There were none.

Previous Meeting Minutes

At 7:39 pm, Mr. Yacouby moved to approve the 02-16-2021 meeting minutes as amended at the meeting. Mr. Bajwa 2nd. Mr. Cappetta called roll: Derrick Chin - Aye, Ray Yacouby - Aye, Sam Bajwa – Aye, Jon Cappetta – abstained, and Nathan Cookson - Aye, (4-0-1).

Adjournment

At 9:58 pm, Mr. Yacouby moved to adjourn the meeting. Mr. Jon Cappetta 2nd the motion. Mr. Cappetta called roll. Derrick Chin - Aye, Ray Yacouby - Aye, Sam Bajwa – Aye, Jon Cappetta – Aye and Nathan Cookson – Aye, unanimous (5-0).

Documents used at the meeting:

- 03.16.21 Planning Board Agenda
- DRAFT 02.16.21 – Planning Board Minutes
- Miscellaneous Special Permit Rules and Regulation
- Planned Conservation Residential Community Special Permit Rules and Regulation
- Reconstruction of Nonconforming Two-Family & Multi-Family Dwelling Special Permit Rules and Regulation
- 5 Fletcher Court Concept Plan
- Jon Cappetta - Mullin Rule Certification – 50 Independence Road
- PB21-1 DRAFT Decision - Ground Mounted Solar Special Permit - 50 Independence Road (Updated)
- Jon Cappetta - Mullin Rule Certification – 22 Elm Street
- February 26, 2021 Dillis & Roy Letter Response to the Neighborhood Outreach

Also please see link for more information: <http://doc.acton-ma.gov/dsweb/View/Collection-13032>

Submitted
Robert Hummel
Assistant Town Planner